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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/658,685 | 09/08/2003 | Safa Kirma | 4566 | 2111 |

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FASSE PATENT ATTORNEYS, P.A.

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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/658,685 | Applicant(s) KIRMA, SAFA | |
| | Examiner Craig M. Schneider | Art Unit 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 20,21 and 28-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,6-13, and 22-27 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A – Figures 2-11

Species B – Figures 12-14

Species C – Figure 15

Species D – Figures 16-19

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Walter Fasse on 12/3/05 a provisional election was made with traverse to prosecute the invention of Species A, claims 1-19 and 22-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-21 and 28-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant's election with traverse of Species A during the telephone conversation on 12/3/05 is acknowledged. The traversal is on the ground(s) that Species D is a further detail of Species A. This is not found persuasive because claims 28-34 specifically address this species of the invention and Species A would not read on the claims.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "43". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in

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compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it exceeds 150 words in length. It is important that the abstract does not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: "86" on page 19, line 26 should be --85--.

"12B" on page 39, line 8 should be --12--.

Appropriate correction is required.

Claim 9 is objected to because of the following informalities: "plane" in line 8 should be --plan--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 10-12, 22-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art that the applicant cited in Figure 1 in view Yancey (3,093,397).

The prior art that is depicted in Figure 1 discloses an arrangement for storing and conveying a liquid comprising a first liquid container (1) having an inlet opening (31) and an outlet opening (41), a pipe-shaped first drain stub (4) connected to the outlet opening of the liquid container. The prior art that is depicted in Figure 1 does not disclose a first partial flange connected to an outlet end of the drain stub, at least one complementary flange adjoining and complementing the partial flange so that the complementary and partial flanges together form a first circular flange, a second circular flange connected to the first circular flange, a drain line connected to the second circular flange, so as to establish liquid communication from the outlet opening of the first liquid container, through the first drain stub, the first partial flange, and the second circular flange into the drain line. Yancey discloses the use of a first partial flange (22) connected to an outlet end of the drain stub (16, 18, or 20), at least one complementary flange adjoining and complementing the partial flange so that the complementary and partial flanges together form a first circular flange (remaining "22" flanges depicted in Figure 2), a second circular flange connected to the first circular flange (23), a drain line connected to the second circular flange (col. 1, lines 66-71 onto col. 2, lines 1-3), so as to establish liquid communication from the outlet opening of the first liquid container, through the first drain

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stub, the first partial flange, and the second circular flange into the drain line. Yancy further discloses a flange seal (50) interposed between the first and second circular flanges, wherein the first partial flange, the flange seal and the second circular flange respectively have throughholes therein aligned with one another to establish the liquid connection (col. 2, lines 37-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the flange connection teachings of Yancey onto the prior art disclosed by the applicant in Figure 1, in order to be able to remove individual tanks for maintenance (col. 1, lines 18-22).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art and Yancey as applied to claim 1 above, and further in view of Knieper et al. (6,238,546).

Applicant's Prior Art-Yancey disclose all the features of the claimed invention except that the first circular flange and the second circular flange both have the same outer diameter and are arranged in registration with each other on a common circle centerpoint. Knieper et al. disclose that a first circular flange (243) and a second circular flange (247) both have the same outer diameter and are arranged in registration with each other on a common circle centerpoint as can be seen in Figure 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the equal outer diameters of the flanges depicted by Knieper et al. onto the system of Applicant's Prior Art-Yancey's partial flange and

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header connection, in order to minimize a possible catch area that is created with Applicant's Prior Art-Yancey.

Claims 6-9, 13, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 in view of Yancey as applied to claim 1 above, and further in view of Mitsubishi Plastics Ind LTD (2000-125458).

Figure 1-Yancey disclose all the features of the claimed invention except wherein the at least one complimentary flange comprises a blind flange that does not have an opening communicating therethrough and through the second circular flange into the drain line. Mitsubishi Plastics discloses at least one complimentary flange (3b) comprises a blind flange that does not have an opening communicating therethrough (abstract).

It would have been obvious to one having ordinary skill in the art to utilize the teachings of Mitsubishi Plastics of a blind flange onto Figure 1-Yancey, in order to be able to be able to have more flexibility in installing the proper number of tanks into a system.

Allowable Subject Matter

Claims 3-5, 14-19, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Copetta (1,335,093), Williams (1,668,179), Jackson et al.

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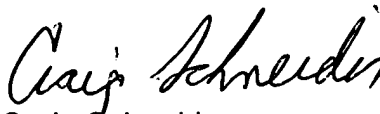
(2,341,044), Dyer (3,044,666), and Phelps (3,645,415) are types of mulitchambered tanks.

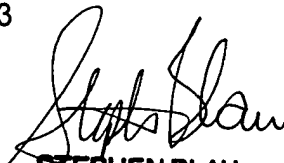
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
December 12, 2005


Craig Schneider
Patent Examiner
Art Unit 3753


STEPHEN BLAU
PRIMARY EXAMINER